

Attorney's Docket: 2003DE104
Serial No.: 10/791,624
Group: 1751
Response to Office Action mailed 05/18/2006

REMARKS

The Office Action mailed May 18, 2006, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-30 are pending in this Application. By this Amendment, Applicants have amended claims 1, 18, 23-24 and 26. In claim 1, extra commas were removed before the terms "as component B" and "as component E." In claim 18, the range limitation of component B was amended to recite "10 to 50%." The dependencies of claims 23 and 24 were amended to recite dependencies from claim 20. In claim 26, the term compound was replaced by the term composition. These amendments are fully supported by Applicant's Specification and the originally filed claims. It is believed that no new matter has been introduced by these amendments.

OBJECTIONS TO THE CLAIMS

The objection to claim 1 for having extra commas should be removed in light of the above amendments.

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CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 18, 23, 24, and 27-30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 was amended to recite a range limitation of from 10 to 50% by weight of component B, which is now consistent with amended claim 1. Claims 23 and 24 were amended to depend from claim 20 to resolve the issue of proper antecedent basis. Claim 26 was amended to recite "A polymer composition" to be consistent with the recitation of the polymer composition in claims 27-30. Therefore, the rejection of claims 18, 23, 24, and 27-30 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention should be withdrawn.

FOREIGN PRIORITY

Attached to this response is a certified English Language translation of the priority document, DE 103 09 385.0, filed March 3, 2003. Accordingly, Applicant hereby claims the priority of the priority document and requests that the certified English translation of the priority document be made of record in accordance with 37 C.F.R. 1.55.

CLAIM REJECTIONS UNDER 35 U.S.C. §103 AND CLAIM REJECTIONS UNDER PROVISIONAL NONSTATUTORY OBVIOUSNESS DOUBLE PATENTING

In view of the forgoing amendments and Applicant's establishing the foreign priority for the instant application, it is respectfully contended that the present application is in condition for allowance, and, specifically, that the amended claims overcome the 35 USC § 103 rejections put forward in Pages 3-8 of the Office Action and the rejections based on non-statutory obviousness-type double patenting put forward in Pages 8-10.

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In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



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Attachment:

Certified English Language Translation of Priority Document